THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 10491 OF 2007

DATED: 03-09-2007

BETWEEN:

Smt.Anumolu Indira and others

…Petitioners

and

The District Collector,
Krishna District at Machilipatnam
and another

…Respondents

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 10491 OF 2007

ORDER:

This writ petition is filed by the petitioners seeking a writ of Mandamus to declare the Land Acquisition proceedings up to the notice under Sec.5-A of the Land Acquisition Act in respect of the land in Sy.Nos.996/P, 997/P, 1004/1 and 1005 of an extent of Ac.2.28 cents, Ac.3.66 cents, Ac.3.42 cents and Ac.3.96 cents respectively totaling Ac.13.32 cents situated at Vuyyuru village and Mandal, Krishna District as illegal, ultravires and arbitrary and consequently to set aside the same.

According to the petitioners, the respondents proposed to acquire the land. But as contemplated under the Act, 4(1) notification was not published either in the gazette or in the newspapers as well as in the locality and therefore, the proceedings are liable to be declared as illegal and invalid. Enquiry under
Sec.5-A has to be conducted only after publication of 4(1) notification both in the gazette as well as in the newspapers, but not before.

Therefore, he seeks for quashing of the proceedings. Though the learned counsel also raised certain other grounds as to the conversion of the agricultural land into non-agricultural land, the same are irrelevant for the purpose of the present writ petition.

A counter is filed on behalf of the respondents disputing and denying the claim of the petitioners. It is stated that the Government has taken a decision to provide residential house sites and also to provide infrastructure facilities to the eligible beneficiaries, i.e. below the poverty line category in all the villages under "Indiramma Padhakam". Accordingly, Vuyyuru village was selected as one of the villages under the said programme Phase-II and on verification, it was found that 2190 beneficiaries are not even having own houses or house sites. Therefore, the beneficiaries were selected. For the purpose of providing house sites under the said programme, the land is proposed and accordingly draft notification under Section 4(1) of the Land Acquisition Act was approved by the District Collector and was published in the District Gazette on 24-04-2007 and also in two local newspapers, viz., Andhra Prabha and Janata on 24-04-2007. The substance of notification was also locally published on 30-04-2007 at all the specified places. Thereafter, notices were issued to the land owners to attend the enquiry on 10-05-2007, but the land owners have not attended the enquiry. The Village Revenue Officer, Vuyyuru has attended the enquiry and revealed that the landowner Smt. Anumolu Lakshmi Bayamma expired and after her death, the daughter-in-law and her three children are enjoying the land as legal representatives of the deceased. The family unit is having an extent of Ac.13.32 cents of land in Vuyyuru village and the entire family is residing at different places outside the State. Due to the non-availability of the Government land, it is inevitable to acquire the said land and therefore, it is sought for vacating the interim order.

In view of the above stated facts as to the publication of the draft notification under Sec.4(1) in the Gazette and also in the local

newspapers, the contention of the petitioner that the notification was not published either in the gazette or in the local newspapers, cannot be sustained.

Under the above circumstances, the writ petition is dismissed as devoid of merits. No order as to costs.

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S. ANANDA REDDY, J.

Dated: 03-09-2007
Rns